

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Daniel C. Bordeaux
1316 Old Brickyard Road
Mt. Pleasant, South Carolina 29466.

SCDOI Case File #: 124397

**Consent Order
Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and the above referenced individual, a licensed South Carolina resident bail bondsman.

Upon review of this matter, I hereby find as fact, that Daniel Bordeaux, dba, Busters Bail Bonds, LLC., while licensed to do business as a resident surety bail bondsman within South Carolina, did: 1.- Use an unlicensed person to assist in the recovery of a fugitive. 2.- Failed to timely pay Bond Forfeitures to the Clerk of Court of Charleston County Municipal Court. The respondent acknowledges these allegations, but contends these failures resulted from inadvertence and oversight and not from any intent to avoid the requirements of the law. Nevertheless, these actions can ultimately lead to the revocation of Mr. Bordeaux and his Agency's licenses, to transact the business of bail bonds in South Carolina, following a public hearing at the Administrative Law Court, pursuant to S.C. Code Ann. Section 38-43-130.

Prior to the initiation of any administrative proceedings by the Department against him, Daniel Bordeaux, represented by legal counsel Michael Coleman, and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that in lieu of the Department seeking to revoke respondent's licensing privileges, and pursue criminal charges against him, Mr. Bordeaux would waive his right to a public hearing, and immediately submit via certified check, a negotiated and consensual administrative penalty in the amount of \$2,000.00 dollars.

Section 38-53-150 of the South Carolina Code grants the Director of Insurance the power to revoke a surety bail bondsman's license for violating any of South Carolina's Insurance Laws. More pertinently, § 38-53-150 (B)(9) explicitly describes: "...for failing to pay any judgment or decree rendered on any forfeited undertaking in any court of competent jurisdiction." Similarly, §38-53-80 mandates the required license for bail bondsmen and 'runners' giving authority to transact that particular business."

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Daniel Bordeaux, dba, Buster Bail Bonds, LLC,

has violated S.C. Code Ann. Sections: 38-53-150 and 38-53-80(Supp. 2004). As a result, I can now take administrative disciplinary action against his resident surety bail bondsman's license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-2-10(Supp. 2004), and carefully considering the recommendation of the parties, I hereby impose against respondent, an administrative penalty in the amount of \$2,000.00 dollars. If that fine is not timely paid, all of his licensing privileges shall be immediately revoked without any further disciplinary proceedings and the case will be turned over to the Office of the State Attorney General.

This administrative penalty has been reached by the parties as a result of negotiation and compromise, and it is made in consideration of respondent's assurances that in the future he will fully comply with the Insurance Laws of South Carolina.

Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, pursuant to S.C. Code Ann. § 38-3-110(4) (Supp.2004) to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that Daniel C. Bordeaux shall, within ten days of the date from the date of receipt of this Order, pay through the South Carolina Department of Insurance an administrative penalty in the amount of \$2,000 dollars.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in respondent's licensing file.

This order becomes effective as of the date of my signature below.

May 12, 2005, at
Columbia, South Carolina


Eleanor Kitzman
Director

I CONSENT:

Daniel Borden
Signature

DANIEL BORDEAUX
Printed Name

PRESIDENT
Title

Address: 1303 RAPTOR DR
Manahan, SC
29405

Dated this day of , 2005.